

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

EVA MARIE ALCALA,

Defendant and Appellant.

C086059

(Super. Ct. No. 16FE019631)

Appointed counsel for defendant Eva Marie Alcala asked this court to review the record and determine whether any arguable issues exist on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

On July 30, 2015, defendant became angry with the victim, a wheelchair bound amputee, when he would not give her more alcohol to consume. She attacked the victim,

hitting him in the head and knocking him out of his wheelchair. She continued to hit the victim and dragged him by his one leg. As a result of the attack, the victim suffered a right hip fracture that required surgery.

The People subsequently charged defendant with felony battery and assault. In February 2017 and again in September 2017, the court heard defendant's request for new counsel; the court denied each request.

In October 2017, defendant pleaded no contest to assault by means of force likely to produce great bodily injury. In exchange, the People moved to dismiss the remaining charge along with an unrelated, pending misdemeanor. The court granted the motion to dismiss and sentenced defendant to five years' formal probation, including three stay-away orders, and ordered her to serve 270 days in county jail. The court awarded defendant 308 days of custody credit.

Defendant filed a timely notice of appeal along with a certificate of probable cause.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and defendant did not file a supplemental brief.

Having undertaken an examination of the record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

KRAUSE, J.

We concur:

MURRAY, Acting P. J.

HOCH, J.